

Committee on Urban & Local Affairs

March 7, 2007

1:00 p.m.

306 HOB

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Urban & Local Affairs

Start Date and Time: Wednesday, March 07, 2007 01:00 pm

End Date and Time: Wednesday, March 07, 2007 03:00 pm

Location: 306 HOB

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 475 Local Business Taxes by Gonzalez

HB 627 Three Kings Day by Bullard

HB 755 Firefighting by Reagan

HB 775 Town of Loxahatchee Groves, Palm Beach County by Vana

HB 783 Broward County by Seiler

HB 797 Firefighters by Brandenburg

HB 993 Escambia County by Evers

NOTICE FINALIZED on 03/05/2007 15:58 by ADEYEMO.MARTHA

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 475 Local Business Taxes
SPONSOR(S): Gonzalez and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	_____	Kruse <i>rk</i>	Kruse <i>rk</i>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill revises the due date for a local business tax levied by a county or municipality. This bill also matches the new date with the time of when a local business tax receipt expires with a county or municipality. The bill also revises the corresponding dates for calculating delinquent payments of a local business tax.

The fiscal impact of the bill is indeterminate.

The bill has an effective date of July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes

The bill provides a business an additional month to pay a local business tax levied either by a county or municipality.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The governing body of a county or a municipality may levy, by resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction.¹

For a municipality, s. 205.042, F.S., establishes the conditions for when the tax applies to a business as the following:

- (1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.
- (3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

A county or municipality must base the tax upon reasonable classifications which must be uniform throughout any class.² A receipt of a local business tax is valid for 1 year in a county or municipality, and all receipts expire on September 30 of each year, unless otherwise provided by law.³

Section 205.053, F.S. establishes the due date for a local business tax as due and payable on or before September 30 of each year. A county or municipality may make provisions for partial receipts in a resolution or ordinance authorizing such receipts. A receipt received late is subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent business.

Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance. Additionally, any person who engages in any business, occupation, or profession who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.⁴

¹ ss. 205.032 & 205.042, F.S.

² ss. 205.033(1)(a) & 205.043(1)(a), F.S.

³ ss. 205.033(1)(c) & 205.043(1)(c), F.S.

⁴ Section 205.053(2) & (3), F.S.

Effect of Proposed Changes

This bill amends the due date of a local business tax levied by a county or municipality from September 30 to October 31. A local business tax received by a county or municipality from a business is valid for one year, so the bill adjusts the corresponding date of the expiration of that receipt from September 30 to October 31. The bill then adjusts the dates for calculating a delinquency penalty to match. The effect of the bill is to provide a business with an additional month to pay a local business tax. The change in date may have the unintended effect of causing accounting difficulties for local governments because the fiscal year for most local governments begins on October 1.

The bill has an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1: Amends paragraph (c) of subsection (1) of section 205.033, F.S., to change the date for the expiration of a local business tax receipt in a county.

Section 2: Amends paragraph (c) of subsection (1) of section 205.043, F.S., to change the date for the expiration of a local business tax receipt in a municipality.

Section 3: Amends subsection (1) of section 205.053, F.S., to change the due date for a local business tax levied by a county or municipality and revises the date for the calculation of a delinquency penalty.

Section 4: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill may delay receipt of some local business taxes in a municipality or county, depending upon whether a business decides to send in the tax in the month of October.

2. Expenditures:

A county or municipality may have some administrative costs associated with changing the forms for submission of a local business tax.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A business subject to a local business tax will have an additional month to submit the tax to a county or municipality.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

On March 1, 2007, the Sponsor advised staff that no statement would be submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HB 475

2007

A bill to be entitled
An act relating to local business taxes; amending ss.
205.033, 205.043, and 205.053, F.S.; revising the date for
validity and payment of local business taxes; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (1) of section
205.033, Florida Statutes, is amended to read:

205.033 Conditions for levy; counties.--

(1) The following conditions are imposed on the authority
of a county governing body to levy a business tax:

(c) A receipt is not valid for more than 1 year, and all
receipts expire on October 31 ~~September 30~~ of each year, except
as otherwise provided by law.

Section 2. Paragraph (c) of subsection (1) of section
205.043, Florida Statutes, is amended to read:

205.043 Conditions for levy; municipalities.--

(1) The following conditions are imposed on the authority
of a municipal governing body to levy a business tax:

(c) A receipt is not valid for more than 1 year and all
receipts expire on October 31 ~~September 30~~ of each year, except
as otherwise provided by law.

Section 3. Subsection (1) of section 205.053, Florida
Statutes, is amended to read:

205.053 Business tax receipts; dates due and delinquent;
penalties.--

29 (1) All business tax receipts shall be sold by the
30 appropriate tax collector beginning August 1 of each year, are
31 due and payable on or before October 31 ~~September 30~~ of each
32 year, and expire on October 31 ~~September 30~~ of the succeeding
33 year. If October 31 ~~September 30~~ falls on a weekend or holiday,
34 the tax is due and payable on or before the first working day
35 following October 31 ~~September 30~~. Provisions for partial
36 receipts may be made in the resolution or ordinance authorizing
37 such receipts. Receipts that are not renewed when due and
38 payable are delinquent and subject to a delinquency penalty of
39 10 percent for the month of November ~~October~~, plus an additional
40 5 percent penalty for each subsequent month of delinquency until
41 paid. However, the total delinquency penalty may not exceed 25
42 percent of the business tax for the delinquent establishment.

43 Section 4. This act shall take effect July 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **0475**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Committee on Urban & Local
Affairs

Representative(s) Gonzalez offered the following:

Amendment (with title amendment)

Remove lines 9-39 and insert:

Section 1. Subsection (1) of section 205.053, Florida
Statutes, is amended to read:

205.053 Business tax receipts; dates due and delinquent;
penalties.--

(1) All business tax receipts shall be sold by the
appropriate tax collector beginning July ~~August~~ 1 of each year,
are due and payable on or before September 30 of each year, and
expire on September 30 of the succeeding year. If September 30
falls on a weekend or holiday, the tax is due and payable on or
before the first working day following September 30. Provisions
for partial receipts may be made in the resolution or ordinance
authorizing such receipts. Receipts that are not renewed when
due and payable are delinquent and subject to a delinquency
penalty of 10 percent for the month of October, plus an
additional

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== T I T L E A M E N D M E N T =====

Remove lines 2-4 and insert:

An act relating to local business taxes; amending s. 205.053,
F.S.; revising the threshold date for beginning sales of local
business tax receipts; providing an

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 627

Three Kings Day

SPONSOR(S): Bullard

IDEN./SIM. BILLS: SB 464

TIED BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	_____	Ligas <i>AAL</i>	Kruse <i>MK</i>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill designates January 6 as “Three Kings Day” and authorizes local governments to annually issue a proclamation commemorating the occasion, and calls upon the residents of the State of Florida to observe the occasion.

The bill does not appear to have a fiscal impact on state or local governments

The bill has an effective date of July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Three Kings Day (Día de los Reyes) is celebrated 12 days after Christmas on January 6. Also known as the Epiphany, Three Kings Day commemorates the Biblical story of the three kings (or wise men) that followed the star of Bethlehem to bring gifts to the Christ child.

Chapter 683, F.S., relates to state legal holidays and special observances. Section 683.01, F.S., designates 21 legal holidays which includes Good Friday and Christmas. Other provisions in ss. 683.04 – 683.25, F.S., designate special observances or explain the significance of certain legal holidays.

Section 683.19, F.S., authorizes chief circuit judges to designate Rosh Hashanah, Yom Kippur, and Good Friday as legal holidays for the courts within their respective judicial circuits.

Effect of Proposed Changes

This bill designates January 6 of each year as “Three Kings Day” and provides that local governments may annually issue a proclamation commemorating January 6 as “Three Kings Day” and calling upon the residents of the state to observe the occasion.

C. SECTION DIRECTORY:

Section 1: creates s. 683.33, F.S., which designates January 6 of each year as “Three Kings Day” and provides that local government may annually proclaim it and call upon residents of the state to observe the holiday.

Section 2: provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

Establishment Clause

The 1st Amendment to the U.S. Constitution provides, in part, that “congress shall make no law respecting an establishment of religion...” This provision, made applicable to the states by the Fourteenth Amendment, has generally been interpreted to restrict a unit of federal, state and local governments from promoting or affiliating itself with any particular religious doctrine or organization, discriminating among persons on the basis of their religious beliefs and practices, delegating a governmental power to a religious institution, or involving itself too deeply in such an institution’s affairs.

Article 1, Section 3 of the Florida Constitution provides that “[t]here shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof,” and that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

To evaluate whether laws or policies violate these restrictions, courts have applied an analysis from *Lemon v. Kurtzman*, 403 U.S. 602 (1971), which requires that the challenged practice:

- Have a valid secular purpose.
- Not have the effect of advancing or inhibiting religion, and
- Not foster excessive government entanglement with religion.

The relevant case law does not reveal any instances where a state observance was found unconstitutional based solely on its designation. However, there have been cases where the court found that a legal holiday for state employees without several secular justifications would be a violation of the Establishment Clause.¹

This bill does not appear to implicate the same Establishment Clause issues found in previous case law, but to the extent that this bill promotes a non-secular purpose, it may be subject to challenge.

B. RULE-MAKING AUTHORITY:

¹ *Bridenbaugh v. O’Bannon*, 185 F.3d 796 (7th Cir. 1999).

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HB 627

2007

A bill to be entitled
An act relating to Three Kings Day; creating s. 683.33,
F.S.; designating January 6 as "Three Kings Day" and
authorizing local governments to issue proclamations
commemorating the occasion; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 683.33, Florida Statutes, is created to
read:

683.33 Three Kings Day.--

(1) January 6 of each year is designated as "Three Kings
Day."

(2) Local governments may annually issue a proclamation
commemorating January 6 as "Three Kings Day" and calling upon
the residents of this state to observe the occasion.

Section 2. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 755

Firefighting

SPONSOR(S): Reagan

TIED BILLS:

IDEN./SIM. BILLS: SB 2020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	_____	Nelson <i>LPN</i>	Kruse <i>MK</i>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill excuses full-time firefighters from jury duty, thus expanding current statutory exemptions extended to certain Florida citizens. It also authorizes the governing board of an independent special fire control district to recover court costs and attorney's fees from nonprevailing parties in civil actions brought to enforce fire suppression and prevention provisions, and the firesafety code. Finally, the bill exempts property owned or operated by religious institutions and used primarily as a place of worship from non-ad valorem assessments if the governing board of an independent special fire control district decides to exempt all religious institutions in the district from such assessments.

The bill is effective upon becoming law.

This bill will have an indeterminate fiscal impact on independent special fire control districts.

Section 6 of Art. III of the State Constitution imposes a single subject restriction on laws enacted by the Legislature. This bill could be subject to a court challenge under this provision.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Jury Service Exemptions

The American justice system is premised on the notion of a lay person jury that is representative of the community and capable of reaching fair, unbiased decisions regarding the fate of their peers. Jury service is a civic responsibility. Traditionally, exceptions from jury duty have been made for persons who have hardships or those that, because of the nature of their official positions, may find their impartiality compromised.

Under s. 40.01, F.S., jurors are chosen from "the male and female persons at least 18 years of age who are citizens of the United States and legal residents of this state and their respective counties and who possess a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles...." The Florida Legislature has disqualified certain persons from jury service pursuant to s. 40.013, F.S. These exemptions include:

- (1) persons who are under prosecution for any crime, or who have been convicted of bribery, forgery, perjury, larceny, or any other offense that is a felony (unless such persons have had their civil rights restored);
- (2) the Governor, Lieutenant Governor, Cabinet officers, clerk of courts, and judges, and full-time federal, state or local law enforcement officers or such entities' investigative personnel (unless such persons choose to serve);
- (3) persons interested in the issue being tried;
- (4) expectant mothers and any parent who is not employed full-time and who has custody of a child less than six years of age (upon such person's request);
- (5) in the discretion of the presiding judge, a practicing attorney, a practicing physician, or a person who is physically infirm;
- (6) persons upon a showing of hardship, extreme inconvenience, or public necessity;
- (7) persons who were summoned and reported as a prospective juror in any court in that person's county of residence within the past year;
- (8) persons 70 years of age or older (upon such person's request); and
- (9) persons who are responsible for the care of a person who, because of mental illness, mental retardation, senility, or other physical or mental incapacity, is incapable of caring for himself or herself.

Section 251.13, F.S., also exempts officers and enlisted individuals of the Florida State Defense Force from jury duty during such person's service.

Independent Special Fire Control Districts

Pursuant to s. 191.003, F.S., an independent special fire control district is defined as a special district, created by special law or general law of local application, providing fire suppression and related activities within the jurisdictional boundaries of the district. This section specifies that the term does not include a municipality, a county, a dependent special district as defined in s. 189.403, F.S., a district providing primarily emergency medical services, a community development district established under ch.190, F.S., or any other multiple-power district performing fire suppression and related services in addition to other services.

Chapter 191, F.S., is entitled the "Independent Special Fire Control District Act." The Act's purpose is to establish standards and procedures concerning the operations and governance of Florida's 57¹ independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply, and provides that it is the intent of the Legislature that the Act supersedes all special acts or general laws of local application provisions that contain the charter of an independent special fire control district, with specified exceptions. The general provisions of the Act include those relating to district boards of commissioners, general and special powers, taxes and assessments, and district issuance of bonds.

Building and Firesafety Standards/Enforcement

Chapter 553, F.S., establishes minimum safety standards for the design and construction of buildings by addressing such issues as structural integrity, mechanical, plumbing, electrical, lighting, heating, air conditioning, ventilation, fireproofing, exit systems, safe materials, energy efficiency, and accessibility by persons with physical disabilities. Chapter 633, F.S., establishes fire prevention and control standards applicable to buildings and structures in the state. All buildings in the state are required to meet these standards as a minimum. Each local jurisdiction may add more restrictive requirements.²

Fire inspection personnel are authorized to enforce these statutory provisions. For example, fire inspection personnel conduct annual, specialized fire protection system inspections, such as standpipe and automatic fire sprinkler protection system testing, smoke evacuation systems testing, and general fire alarm system testing. Section 633.052, F.S., provides that firesafety inspectors, who have probable cause to believe that a person has committed a civil infraction in violation of a duly enacted firesafety ordinance, may issue a citation to appear before the county court. If the applicable county or municipality has created a code enforcement board or special magistrate system pursuant to ch.162, F.S., the citation may be referred to that body for hearing. Section 633.052, F.S., stipulates that an ordinance implementing firesafety codes must provide:

- that a violation of such an ordinance is a civil infraction;
- a maximum civil penalty not to exceed \$500;

¹ [Http://floridaspecialdistricts.org/OfficialList/report.asp](http://floridaspecialdistricts.org/OfficialList/report.asp).

² Section 633.025, F.S., provides that "[t]he Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code, shall be deemed adopted by each municipality, county and special district with firesafety responsibilities. The minimum firesafety codes shall not apply to buildings and structures subject to the uniform firesafety standards under s. 633.022, F.S., and buildings and structures subject to the minimum firesafety standards adopted pursuant to s. 394.879, F.S. Each municipality, county, and special district with firesafety responsibilities shall enforce the Florida Fire Prevention Code and the Life Safety Code as the minimum firesafety code required by this section."

- a civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation;
- for the issuance of a citation by an officer who has probable cause to believe that a person has committed a violation of an ordinance relating to firesafety;
- for the contesting of a citation in the county court; and
- such procedures and provisions necessary to implement any ordinances enacted under the authority of this section.

Section 162.30, F.S., provides that in addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action. The action may be brought in county or circuit court, depending on the relief sought. The county or municipality shall bear all court fees and costs of any such action, and may, if it prevails, recover the court fees and costs and expense of the court-appointed counsel as part of its judgment.

Non-Ad Valorem Special Assessments

Special assessments are a revenue source that may be used to fund local improvements or essential services. As established by case law, two requirements exist for the imposition of a valid special assessment. First, the property assessed must derive a special benefit from the improvement or service provided. Second, the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.³ The test to be applied in evaluating whether a special benefit is conferred on property by the provision of a service is "whether there is a 'logical relationship' between the services provided and the benefit to real property."⁴ If a local government's special assessment ordinance withstands these two legal requirements, the assessment is not considered a tax.⁵

Pursuant to s. 191.009(2), F.S., an independent special fire control district may levy non-ad valorem assessments to construct, operate, and maintain district facilities and services. The rate of such assessments must be fixed by resolution of the board. Section 191.011, F.S. provides that an independent special fire control district may provide for the levy of non-ad valorem assessments on the lands and real estate benefited by their exercise of powers. Non-ad valorem assessments may be levied only on benefited real property at a rate of assessment based on the special benefit accruing to such property from such services or improvements.

Religious institutions generally are exempt from taxation, but subject to payment of special assessments.⁶ Florida courts have upheld the use of special assessments imposed upon churches to fund fire services.⁷ Previously, the Florida Legislature has exempted property owned or occupied by a religious institution and used as a place of worship or education from municipal special assessments if the municipality so desires.⁸

³ City of Boca Raton v. State, 595 So.2d 25 (Fla. 1992).

⁴ Lake County v. Water Oak Management Corp., 695 So.2d 667 (Fla. 1997).

⁵ The Local Government Formation Manual, Committee on Urban & Local Affairs, Florida House of Representatives, January 2007.

⁶ Section 3(a) of Art. VII of the State Constitution, and ss. 196.012(1) and 196.192(1), F.S.

⁷ Sarasota County v. Sarasota Church of Christ, 641 So.2d 900 (Fla. 2d DCA 1994).

⁸ Section 170.201, F.S.

Effect of Proposed Changes

This bill excuses full-time firefighters, as defined in s. 112.81, F.S.,⁹ from jury duty, unless such persons choose to serve. This will expand exemptions currently extended to certain Florida citizens pursuant to s. 40.013, F.S. The bill also authorizes the governing board of an independent special fire control district to recover court costs and attorney's fees from the nonprevailing party in any civil action brought to enforce the provisions of ch. 553, F.S., ch. 633, F.S., or s. 191.008, F.S., concerning fire suppression and prevention and the enforcement of the firesafety code. Florida law currently provides for the recovery of court costs and attorney's fees in numerous instances by prevailing parties in civil actions.¹⁰

Finally, the bill will exempt property owned or operated by religious institutions and used primarily as a place of worship from non-ad valorem assessments levied by independent special fire control districts pursuant to ch. 191, F.S., if the governing board decides to exempt all religious institutions in the district from such assessments. The term "religious institution" means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 40.013(2)(b), F.S., to excuse full-time firefighters from jury service.

Section 2: Renumbers ss. (5), (6), and (7) of s. 191.008, F.S., and creates a new s. (5) to provide for the recovery of court costs and attorney's fees by the governing board of an independent special fire control district in certain civil actions.

Section 3: Amends s. 191.011, F.S., to authorize an independent special fire control district to exempt property owned by religious institutions from non-ad valorem assessments.

Section 4: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁹ Section 112.81, F.S., defines "firefighter" as any person who is certified in compliance with s. 633.35, F.S., and who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires. This section defines "employing agency" as any municipality or the state or any political subdivision thereof, including authorities and special districts, which employs firefighters. Thus, this provision would apply to a wide range of firefighters, including those not employed by independent special fire control districts.

¹⁰ See, e.g., s. 218.76, F.S.

Independent special fire control districts could recover court costs and attorney's fees when prevailing in code enforcement proceedings. Such a district may experience decreased revenues if it decides to exempt religious institutions from non-ad valorem assessments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private entities that challenge an enforcement action undertaken by an independent special fire district could be subject to the payment of court costs, including attorney's fees.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

This bill could be subject to a court challenge pursuant to the constitutional single subject rule. Section 6 of Art. III of the State Constitution imposes a single subject restriction on laws enacted by the Legislature: "Every law shall embrace but one subject and matter properly connected therewith...." The Florida Supreme Court has described the purpose of the single subject rule as twofold. First, it attempts to avoid surprise or fraud by ensuring that both the public and the legislators involved receive fair and reasonable notice of the contents of a proposed act. Secondly, the limitation prevents hodgepodge, logrolling legislation. With regard to the test to be applied by the court in determining whether a particular provision violates the single subject rule, the fact that the scope of a legislative enactment is broad and comprehensive is not fatal under the single subject rule so long as the matters included in the enactment have a natural or logical connection.¹¹

The proponents of the bill have indicated that they believe that all three provisions of the bill "deal with the operations and activities of fire control districts."

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

See, "III. Comments, A. Constitutional Issues, 2. Other," above.

Other Comments

It is assumed that the proposed exception for firefighters is considered to be a "hardship" exception, rather than because of these individuals' official positions. Such an exception may open the door for other first responders, such as emergency medical technicians, to come forward and request similar

¹¹ Chenoweth v. Kemp, 396 So.2d 1122 (Fla. 1981).

treatment. Unfortunately, a jury's make-up may be significantly affected when there are permissible reasons for jury avoidance that are available to a select portion of society.

The Florida Association of Special Districts is a proponent of the bill.¹²

D. STATEMENT OF THE SPONSOR

The Sponsor has indicated that he does not wish to submit a statement.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

¹² Chris Lyon of Lewis, Longman and Walker, P.A., in a March 2, 2007, e-mail.

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A bill to be entitled
 An act relating to firefighting; amending s. 40.013, F.S.;
 excusing certain firefighters from jury duty service;
 amending s. 191.008, F.S.; authorizing the governing board
 of a fire control district to recover court costs and
 attorney's fees in certain civil actions; amending s.
 191.011, F.S.; authorizing a fire control district to
 exempt property owned or operated by religious
 institutions from non-ad valorem assessments; providing a
 definition; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (2) of section
 40.013, Florida Statutes, is amended to read:

40.013 Persons disqualified or excused from jury
 service.--

(2)

(b) Any full-time federal, state, or local law enforcement
 officer or such entities' investigative personnel or any full-
time firefighter, as defined in s. 112.81, shall be excused from
 jury service unless such persons choose to serve.

Section 2. Subsections (5), (6), and (7) of section
 191.008, Florida Statutes, are renumbered as subsections (6),
 (7), and (8), respectively, and a new subsection (5) is added to
 that section, to read:

191.008 Special powers.--Independent special fire control
 districts shall provide for fire suppression and prevention by

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29 establishing and maintaining fire stations and fire substations
30 and acquiring and maintaining such firefighting and fire
31 protection equipment deemed necessary to prevent or fight fires.
32 All construction shall be in compliance with applicable state,
33 regional, and local regulations, including adopted comprehensive
34 plans and land development regulations. The board shall have and
35 may exercise any or all of the following special powers relating
36 to facilities and duties authorized by this act:

37 (5) Recover reasonable court costs, including attorney's
38 fees, from the nonprevailing party in any civil action to
39 enforce the provisions of chapter 553 or chapter 633 and this
40 section concerning fire suppression and prevention and the
41 enforcement of the firesafety code.

42 Section 3. Subsection (12) is added to section 191.011,
43 Florida Statutes, to read:

44 191.011 Procedures for the levy and collection of non-ad
45 valorem assessments.--

46 (12) Property owned or operated by a religious institution
47 and used primarily as a place of worship shall be exempt from
48 any non-ad valorem assessments levied pursuant to this act if
49 the governing board of the district desires to exempt all
50 religious institutions in the district from such assessments.
51 The term "religious institution" means any church, synagogue, or
52 other established physical place for worship at which nonprofit
53 religious services and activities are regularly conducted and
54 carried on.

55 Section 4. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 775

Town of Loxahatchee Groves, Palm Beach County

SPONSOR(S): Vana

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	_____	Nelson <i>LPN</i>	Kruse <i>ML</i>
2) <u>Government Efficiency & Accountability Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Town of Loxahatchee Groves, a rural community in Palm Beach County, was incorporated in 2006. This bill amends the charter for the municipality by: (1) amending the legal description of the town boundaries to clarify the exclusion of a parcel of property from the city limits; and (2) revising transition language which addresses the applicability of Palm Beach County ordinances within the town.

The bill provides an effective date of upon becoming law.

According to the Economic Impact Statement, this bill will not have a fiscal effect.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Town of Loxahatchee Groves

Chapter 2006-328, L.O.F., created a charter for the Town of Loxahatchee Groves in Palm Beach County. On October 10, 2006, this act was submitted to the qualified electors residing within the proposed corporate limits of the Town of Loxahatchee Groves, who approved the charter and the establishment of the town. Section 9(7) of the Town of Loxahatchee Groves' charter provides that the charter may be amended in accordance with the provisions for charter amendments as specified in general law.

The current charter includes a legal description for the corporate boundaries of the town, and a transition schedule. This transition schedule provides for a special election to choose five town council members on March 13, 2007. See, s. 10 (2) of ch. 2006-328, L.O.F. The transition schedule also provides for such matters as first year expenses of the town, transitional ordinances and resolutions, temporary emergency ordinances, and transitional comprehensive plan and land development regulations.

Municipal Charter Amendments

Section 2(a) of Art. VIII of the State Constitution provides that the charter of a municipality may be amended pursuant to general or special law.

Section 166.031, F.S., provides that the governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter *except that part describing the boundaries of such municipality*. The governing body of the municipality must place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose. Upon adoption of an amendment to a charter by a majority of the electors voting in a referendum, the governing body of the municipality is required to have the amendment incorporated into the charter and must file the revised charter with the Department of State. All amendments are effective on the date specified therein or as otherwise provided in the charter. A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section is supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed.

The Palm Beach County Charter

Palm Beach County became a charter county in 1985. As such, it is governed by s. 1(g) of Art. VIII of the State Constitution which provides that counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter of such a county is required to provide which shall prevail in the event of a conflict between county and municipal ordinances.

Section 1.3 of the Palm Beach County Charter provides that municipal ordinances prevail over county ordinances to the extent of any conflict, regardless of the time of passage of the municipal ordinances, except that the county ordinances shall prevail over conflicting municipal ordinances: (1) in matters relating to the protection of wells and well fields; (2) in matters relating to school, county-owned beaches, district parks and regional parks, solid waste disposal, county law enforcement, and impact fees collected for county road programs and public buildings; and in matters related to county fire-rescue impact fees and county library impact fees in those municipalities whose properties are taxed by the county for library and/or fire-rescue services, respectively; (3) for the adoption and amendment of the countywide land use element; and (4) in matters relating to the establishment of levels of service for collector and arterial roads which are not the responsibility of any municipality, and the restriction of the issuance of development orders which would add traffic to such roads which have traffic exceeding the adopted level of service, provided that such ordinance is adopted and amended by a majority of the board of county commissioners.

Effect of Proposed Changes

HB 775 amends ch. 2006-328, L.O.F., the special act which established the Town of Loxahatchee Groves and provided its charter. The bill revises the legal description for the Town of Loxahatchee Groves to clarify that a parcel of property is excluded from the city limits. This action is in response to concerns raised by the Palm Beach County Property Appraiser's office that the current legal description, which involves a rather lengthy account after the words "LESS AND EXCEPT" in paragraph (a) of subsection (3) of s.1 of ch. 2006-328, L.O.F., could be interpreted to not include a piece of land described in a separate paragraph and so adds the term "[a]lso less" to prevent that result.

Additionally, the bill revises transition language which addresses the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves. It removes superfluous language, and clarifies language with regard to the granting of variances to existing Palm Beach County ordinances, rules and regulations within the town, adding language which provides for such to be granted if authorized by the Palm Beach County Charter.

Finally, the bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends paragraph (a) of subsection (3) of s.1 of ch. 2006-328, L.O.F., to revise the legal description for the corporate boundaries of the Town of Loxahatchee Groves.

Section 2: Amends subsection (5) of s.10 of chapter 2006-328, L.O.F., to clarify the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 12, 2007

WHERE? *The Palm Beach Post*, a daily newspaper of general circulation published in Palm Beach County.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

The Economic Impact Statement indicates that this bill will have no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

48 005

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

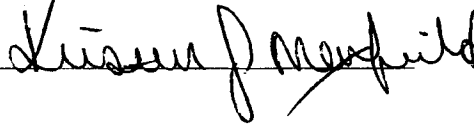
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Marc Kramer**, who on oath says that he is **Inside Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Seek Legislation** was published in said newspaper in the issues of **January 12, 2007**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.




Sworn to and subscribed before 12th day of January A.D. 2007



Personally known XX or Produced Identification _____
Type of Identification Produced _____

NO. 7455525
NOTICE OF
LOCAL LEGISLATION
TO WHOM IT MAY CONCERN: Notice is hereby given of the Committee to Incorporate Loxahatchee Groves' intent to apply to the 2007 Session of the Florida Legislature for passage of:
An act relating to the Town of Loxahatchee Groves, Palm Beach County; amending Section 1, Chapter 2006-328, Laws of Florida; revising the legal description for the Town of Loxahatchee Groves; revising Section 10, Chapter 2006-328, Laws of Florida; revising the applicability of Palm Beach County ordinances with the Town of Loxahatchee Groves; providing and effective date.
Committee to Incorporate Loxahatchee Groves
c/o Goren, Cherof, Doody & Ezrol, P.A.
3099 E. Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
PUB: The Palm Beach Post
January 12, 2007

NOTARY PUBLIC-STATE OF FLORIDA
 Kristen J. Maxfield
Commission # DD528685
Expires: MAR. 14, 2010
Bonded thru Atlantic Bonding Co., Inc.

HOUSE OF REPRESENTATIVES

2007 LOCAL BILL CERTIFICATION

BILL #: 775
SPONSOR(S): Rep. Shelley Vana
RELATING TO: Town of Loxahatchee Groves
[Indicate Area Affected (City, County, Special District) and Subject]
NAME OF DELEGATION: Palm Beach County
CONTACT PERSON: Ed Chase, Executive Director
PHONE # and E-MAIL 561/355-2406 echase@pbcgov.com

I. House policy requires that three things occur before a Council or Committee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the bill's purpose cannot be accomplished at the local level; (2) a local public hearing must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation. Local bills will not be considered by a Council or Committee without a completed, original Local Bill Certification Form.

Does the delegation certify that the purpose of the bill cannot be accomplished locally?

YES ☒ NO ☐

Has a public hearing been held?

YES ☒ NO ☐

Date hearing held: December 16, 2006

Location: Palm Beach Gardens, FL

Was this bill formally approved by a majority of the delegation members?

YES ☐ NO ☐ UNIT RULE ☐ UNANIMOUS ☒

II. Article III, Section 10, of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided in general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this Constitutional requirement been met?

Notice published: YES ☒ NO ☐

Date: January 12, 2007

Where? Palm Beach Post

County: Palm Beach


Referendum in lieu of publication: YES ☐ NO ☒

III. Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

Has this constitutional requirement been met?

YES ☐ NO ☐ NOT APPLICABLE ☒

House policy requires that an Economic Impact Statement for Local Bills be prepared at the local level.


Delegation Chair (Original Signature)

1/29/07
Date

H.C. 10-1

HOUSE COMMITTEE ON LOCAL GOVERNMENT AND VETERANS AFFAIRS
2007 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a Council or Committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact.

BILL #:

SPONSOR(S):

REP STELLY VANA (DIST 85)

RELATING TO:

TOWN OF LEXINGTON GROVES

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

FY 07-08

FY 08-09

Expenditures:

N/A

II. ANTICIPATED SOURCE(S) OF FUNDING:

FY 07-08

FY 08-09

Federal:

State:

N/A

Local:

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

FY 07-08

FY 08-09

Revenues:

N/A

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

N/A

Disadvantages:

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

N/A

VI. DATA AND METHOD USED IN MAKING ESTIMATES (INCLUDE SOURCE[S] OF DATA):

N/A

PREPARED BY: David Aubrey
COMMITTEE TO INCORPORATE LEX 612000
Must be signed by Preparer] Date 11/19/04
TITLE: PRESIDENT
REPRESENTING: CILG

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2007

1 A bill to be entitled
2 An act relating to the Town of Loxahatchee Groves, Palm
3 Beach County; amending chapter 2006-328, Laws of Florida;
4 revising the legal description for the Town of Loxahatchee
5 Groves; revising the applicability of Palm Beach County
6 ordinances within the Town of Loxahatchee Groves;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (3) of section 1 of
12 chapter 2006-328, Laws of Florida, is amended to read:

13 Section 1. Charter; creation; form of government;
14 boundaries and powers.--

15 (3) (a) CORPORATE BOUNDARIES.--The corporate boundaries of
16 the Town of Loxahatchee Groves shall be as described as follows:

17
18 That portion of Loxahatchee Sub-Drainage District,
19 Township 43 South, Range 41 East and Range 40 East,
20 Palm Beach County, Florida, being more particularly
21 described as follows:

22
23 Beginning at the Northwest corner of Section Eighteen
24 (18) in Township Forty-three (43) South, Range Forty-
25 one (41) East, Palm Beach County, Florida, and run
26 thence along the North line of Section Eighteen (18)
27 and Seventeen (17) of said Township to the Northeast
28 corner of Section Seventeen (17) in said Township and

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29 Range; thence run South along the Eastern boundary of
30 Section Seventeen (17) to the Southeast corner of said
31 Section;
32
33 Thence run East along the Northern boundary of Section
34 Twenty-one (21) and of Section Twenty-two (22) to the
35 Northeast corner of the Northwest quarter of the said
36 Section Twenty-two (22); Thence run South along the
37 East line of the Northwest quarter of said Section
38 Twenty-two (22) to the Southeast corner of said
39 Northwest quarter of said Section; Thence run West
40 along the South line of the Southeast quarter of
41 Northwest quarter of said Section Twenty-two (22) to
42 the Southwest corner of said Southeast quarter of
43 Northwest quarter of said Section; Thence run South
44 along the East line of the West half of the Southwest
45 quarter of Section Twenty-two (22) and of the West
46 half of West half of Section Twenty-seven (27) and of
47 the West half of West half of Section Thirty-four (34)
48 to the North Right of Way line of State Road 80, in
49 Section Thirty-four (34); Thence West along the
50 Northern edge of the North Right of Way line of State
51 Road 80, across the West half of West half of Section
52 Thirty-four (34) and across Section Thirty-three (33),
53 Thirty-two (32), and Thirty-one (31) in said Township
54 to the point where the range line dividing ranges
55 Forty (40) and Forty-one (41) East intersects said
56 North Right of Way line of State Road 80;

Thence North along the West line of Sections Thirty-one (31), Thirty (30), Nineteen (19) and Eighteen (18) to the Point of Beginning, embracing approximately Six Thousand Nine Hundred Thirty five and 56/100 (6,935.56) acres.

Said lands lying within the above described boundary lines are described more particularly as follow, to wit:

All of Section Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21) and the Northwest quarter and West half of Southwest quarter of Section Twenty-two (22); and West half of West half of Section Twenty-seven (27); and all Section Twenty-eight (28), Twenty-nine (29) and Thirty (30) and all of Section Thirty-one (31) North of North Right of Way line of State Road 80; and all of Section Thirty-three (32) North of North Right of Way line of State Road 80; and all of Section Thirty-three (33) North of North Right of Way line of State Road 80; and all of the West half of West half of Section Thirty-four (34) North of North Right of Way line of State Road 80; all in Township Forty-three (43) South Range Forty-one (41) East, all of said lands being situate in Palm Beach County, State of Florida, according to the United States official surveys of said lands.

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TOGETHER WITH

The South 1/2 of Sections 7 and 8, T43S, R41E.

The South 1/2 of the East 1/4 of Section 12, The East 1/4 of Sections 13, 24, 25, T43S, R40E, and that part of the East 1/4 of Section 36, T43S, R40E, lying North of the North Right of Way of S.R. 80, all in Palm Beach County, Florida, containing 1320 acres, more or less.

LESS AND EXCEPT The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425, formerly known as The Palms West Hospital property

A parcel bounded by Southern Boulevard (S.R. 80) on the South, the Southern boundary of the drainage/road Right of Way known as collecting canal on the North, Folsom/Crestwood of the East, and the Western boundary of The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425 on the west, said parcel being more particularly described as follows:

A parcel of land located in the County of Palm Beach, State of Florida, to wit:

113
 114 The point of beginning being the intersection of the
 115 Easterly line of Lot 4, Block K, Loxahatchee District,
 116 according to the plat thereof on file in the Office of
 117 the Clerk of the Circuit Court recorded in Plat Book
 118 7, Page 81, of the Public Records of Palm Beach
 119 County, Florida, and the Southerly boundary of the
 120 "Collecting Canal" as shown on the Replat of
 121 Loxahatchee Groves Subdivision according to the Plat
 122 thereof, recorded in Plat Book 12, Page 29, of the
 123 Public Records of Palm Beach County, Florida; Thence
 124 Easterly along said Southerly boundary of the
 125 "Collecting Canal" to the Easterly boundary of said
 126 Replat of Loxahatchee Groves; Thence South along said
 127 Easterly boundary line of the Replat of Loxahatchee
 128 Groves to the North Right of Way line of State Road
 129 80; Thence Westerly along said Northerly Right of Way
 130 line of State Road 80 to the Easterly line of Lot 4,
 131 Block K, Loxahatchee District;

132
 133 Thence Northerly along said Easterly line of Lot 4 to
 134 the Point of Beginning, and

135
 136 Also less a portion of Lot 4, Block "K," Loxahatchee
 137 District subdivision, according to the map or plat
 138 thereof as recorded in Plat Book 7, page 81, public
 139 records, Palm Beach County, Florida, being more
 140 particularly described as follows:

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Commencing at the northeast corner of said lot 4;
thence, south 02°16'42" west, along the east line of
said lot 4, a distance of 834.00 feet for a point of
beginning.

Thence, continue south 02°16'42" west along said east
line, a distance of 1221.92 feet, more or less, to the
intersection thereof with the north right-of-way line
of State Road No. 80 as recorded in official records
book 12372, page 468, said public records; thence,
north 88°08'61" west, departing said east line and
along said north right-of-way line, a distance of
260.20 feet; thence, north 02°16'46" east, departing
said right-of-way line, a distance of 80.00 feet;
thence, north 88°08'51" west, a distance of 248.59
feet; thence, north 02°16'46" east, a distance of
321.11; thence, north 88°08'51" west, a distance of
275.01 feet, more or less, to the intersection thereof
with the west line of said lot 4; thence, north
02°16'46" east, along said west line, a distance of
806.33 feet; thence, south 89°12'21" east, departing
said west line and along the south line of the north
834.00 feet of said lot 4, as measured along the east
and west lines of said lot 4, a distance of 784.02
feet to the point of beginning.

Containing: 18.867 acres, more or less.

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169 Section 2. Subsection (5) of section 10 of chapter 2006-
170 328, Laws of Florida, is amended to read:

171 Section 10. Transition schedule.--

172 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All
173 applicable county ordinances currently in place at the time of
174 passage of the referendum, unless specifically referenced
175 herein, shall remain in place until and unless rescinded by
176 action of the town council, ~~except that a county ordinance,~~
177 ~~rule, or regulation which is in conflict with an ordinance,~~
178 ~~rule, or regulation of the town shall not be effective to the~~
179 ~~extent of such conflict,~~ except as otherwise provided by the
180 Palm Beach County Charter, as may be amended from time to time.
181 Variances shall not ~~Any existing Palm Beach County ordinances,~~
182 ~~rules, and regulations as of October 12, 2006, shall not be~~
183 ~~altered, changed, rescinded, or added to, nor shall any variance~~
184 ~~be granted to any existing Palm Beach County ordinance, rule, or~~
185 ~~regulation in existence as of October 12, 2006, thereto~~ insofar
186 as such action would affect the town without the approval of the
187 town council, except as authorized by the Palm Beach County
188 Charter, as may be amended from time to time.

189 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 783 Relating to Broward County
SPONSOR(S): Seiler
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u></u>	Kruse <i>TK</i>	Kruse <i>TK</i>
2) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill requires the appointment of the Broward County Clerk of Courts to the Broward County Public Safety Coordinating Council.

The bill has an effective date of upon becoming law.

According to the Economic Impact Statement, this bill will not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Safety Coordinating Councils

Each county is required to create a Public Safety Coordinating Council.¹ The board of county commissioners for a county makes the appointments to the council which consists of the following appointees:

1. The state attorney, or an assistant state attorney designated by the state attorney.
2. The public defender, or an assistant public defender designated by the public defender.
3. The chief circuit judge, or another circuit judge designated by the chief circuit judge.
4. The chief county judge, or another county judge designated by the chief county judge.
5. The chief correctional officer.
6. The sheriff, or a member designated by the sheriff, if the sheriff is not the chief correctional officer.
7. The state probation circuit administrator, or a member designated by the state probation circuit administrator, to be appointed to a 4-year term.
8. The chairperson of the board of county commissioners, or another county commissioner as designee.
9. If the county has such program available, the director of any county probation or pretrial intervention program, to be appointed to a 4-year term.
10. The director of a local substance abuse treatment program, or a member designated by the director, to be appointed to a 4-year term.
11. Representatives from county and state jobs programs and other community groups who work with offenders and victims, appointed by the chairperson of the board of county commissioners to 4-year terms.²

A Public Safety Coordinating Council has two purposes:

1. to assess the population status of all detention or correctional facilities owned or contracted by the county, or the county consortium, and to formulate recommendations to ensure that the capacities of such facilities are not exceeded. The recommendations must include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility owned or contracted by the county, or the county consortium.³

¹ Section 951.26(1), F.S.

² Section 951.26(1)(a), F.S.

³ Section 951.26(2), F.S.

2. to develop a local public safety plan for future construction needs, if the council should decide it is necessary. The plan must cover at least a 5-year period and may be submitted for consideration to the local planning agency for the county at least 120 days before the adoption of or amendment to the comprehensive plan for the county by the local planning agency pursuant to part II of chapter 163.⁴

Effect of Proposed Changes

HB 783 requires the Broward County Board of County Commissioners to appoint the Broward County Clerk of Courts to the Broward County Public Safety Coordinating Council. The Broward County Clerk of Courts has indicated that because of the direct impact his office has on the work of the Council, that it would be logical for the Clerk to be a member of the Council.

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Requires the appointment of the Broward County Clerk of Courts to the Broward County Public Safety Coordinating Council.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 12, 2007.

WHERE? The Sun Sentinel, a daily paper of general circulation published in Broward, Palm Beach, and Miami-Dade County.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

According to the Economic Impact Statement, this bill will have no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

⁴ Section 951.26(3)(a), F.S.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES
2007 LOCAL BILL CERTIFICATION

BILL #: HB 783
SPONSOR(S): Representative Jack Seiler #92
RELATING TO: Broward County Public Safety Coordinating Council
(Indicate Area Affected (City, County, Special District) and Subject)
NAME OF DELEGATION: Broward County
CONTACT PERSON: Sandy Harris
PHONE # and E-Mail: 954-351-6555 / 954-260-8894 saharris@broward.org

- I. House policy requires that three things occur before a council or a committee of the House considers a local bill:
(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) a local public hearing by the legislative delegation must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s), the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation. Local bills will not be considered by a council or a committee without a completed, original Local Bill Certification Form.

(1) Does the delegation certify that the purpose of the bill cannot be accomplished locally? YES ☒ NO ☐

(2) Has a public hearing been held? YES ☒ NO ☐

Date hearing held: December 21, 2006

Location: Broward County Governmental Center, Ft. Lauderdale

(3) Was this bill formally approved by a majority of the delegation members?

YES ☒ NO ☐ UNIT RULE ☐ UNANIMOUS ☐

- II. Article III, Section 10, of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES ☐ NO ☐ DATE

Where? County

Referendum in lieu of publication: YES ☐ NO ☐

- III. Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

Has this constitutional taxation requirement been met?

YES ☐ NO ☐ NOT APPLICABLE ☒

House policy requires that an Economic Impact Statement for local bills be prepared at the local level.

Nax H. Rich 2-14-07
Delegation Chair (Original Signature) Date

HOUSE OF REPRESENTATIVES

2007 2006 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible, this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the Local Government Council as soon as possible after the bill is filed.

BILL #:

HB 783

SPONSOR(S):

Sen. Nan Rich and Rep. Jack Seiler

RELATING TO:

Local bill appointing the Broward County Clerk of the Courts to the Broward County Public Safety Coordinating Council

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Expenditures:

FY 06-07
0

FY 07-08
0

II. ANTICIPATED SOURCE(S) OF FUNDING:

Federal:

FY 06-07
0

FY 07-08
0

State:

0

0

Local:

0

0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:

FY 06-07
0

FY 07-08
0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: The Clerk of Courts' involvement in the assessment of County detention and correctional facilities as part of the Broward County Public Safety Coordinating Council will assist the Council in making recommendations toward more efficient operational and fiscal processes affecting the county jail facilities.

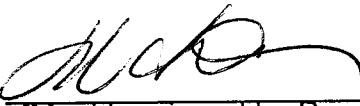
Disadvantages: None.

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR
EMPLOYMENT:

None.

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF
DATA]:

Review of Clerk's current involvement with the Broward County Public Safety
Coordinating Council.

PREPARED BY:  12/15/06
[Must be signed by Preparer] Date
Jeffrey K. Sutton, Esq.
TITLE: Chief Financial Officer
REPRESENTING: Broward County Clerk of the Courts
PHONE: (_____)

E-Mail Address: _____

HB 783

2007

1 A bill to be entitled
2 An act relating to Broward County; requiring the board of
3 county commissioners to appoint the clerk of courts to the
4 Broward County Public Safety Coordinating Council;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. In addition to the members appointed pursuant
10 to section 951.26(1), Florida Statutes, the Broward County Board
11 of County Commissioners shall appoint the Broward County Clerk
12 of Courts to the Broward County Public Safety Coordinating
13 Council.

14 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 797 Firefighters

SPONSOR(S): Brandenburg

TIED BILLS: IDEN./SIM. BILLS: SB 2338

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u></u>	Kruse <i>MC</i>	Kruse <i>MC</i>
2) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill adds a master's degree to the college degrees that if earned by a firefighter and relate to their duties as a firefighter will increase their monthly compensation. The bill also increases the compensation received for earning such degrees.

The fiscal impact of this bill is indeterminate.

The bill has an effective date of July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Firefighters who meet certain educational achievement criteria are eligible to receive supplemental compensation from his or her employer in addition to their normal compensation. A firefighter must meet one of the following criteria:

1. If a firefighter receives an associate degree from a college, which degree is applicable to fire department duties, the firefighter shall receive additional compensation.
2. If a firefighter, regardless of whether or not she or he earned an associate degree earlier, who receives from an accredited college or university a bachelor's degree, which bachelor's degree is applicable to fire department duties, the firefighter shall receive additional compensation.¹

The supplemental compensation a firefighter may receive is as follows:

- (a) Fifty dollars a month to a firefighter who earns an associate degree from a college and meets the qualifications regarding the applicability of that degree to their duties as a firefighter.
- (b) One hundred and ten dollars a month to a firefighter who earns a bachelor's degree and meets the qualifications regarding the applicability of that degree to their duties as a firefighter.

Effect of Proposed Changes

The bill adds a master's degree to the college degrees earned that may qualify a firefighter to receive supplemental compensation. The master's degree must be applicable to fire department duties. The bill provides supplemental compensation of three hundred dollars a month to a firefighter who earns a qualifying master's degree.

The bill also raises the supplemental compensation received for earning an associate degree from fifty dollars a month to one hundred twenty five dollars a month. Additionally, the bill raises the compensation for earning a bachelor's degree from one hundred ten dollars a month to two hundred dollars a month.

The bill has an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1: Amends subsections (2) and (3) of section 633.382, F.S., relating to how a firefighter may earn supplemental compensation for obtaining a master's degree and sets out the compensation that may be received for earning other levels of college degrees.

Section 2: Provides an effective date.

¹ Section 633.382(2)(a)1 & 2, F.S.
STORAGE NAME: h0797.ULA.doc
DATE: 2/28/2007

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because this bill would require a local government to expend funds to pay for the supplemental firefighter compensation. However, it appears an exception applies because the Legislature has formally determined there is an important state interest and has established a dedicated funding source.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HB 797

2007

1 A bill to be entitled
2 An act relating to firefighters; amending s. 633.382,
3 F.S.; specifying qualifications for and amount of
4 supplemental compensation for a firefighter receiving a
5 master's degree; increasing the amount of supplemental
6 compensation for a firefighter receiving an associate or
7 bachelor's degree; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsections (2) and (3) of section 633.382,
12 Florida Statutes, are amended to read:

13 633.382 Firefighters; supplemental compensation.--

14 (2) QUALIFICATIONS FOR SUPPLEMENTAL COMPENSATION.--

15 (a) In addition to the compensation now paid by an
16 employing agency to any firefighter, every firefighter shall be
17 paid supplemental compensation by the employing agency when such
18 firefighter has complied with one of the following criteria:

19 1. Any firefighter who receives an associate degree from a
20 college, which degree is applicable to fire department duties,
21 as outlined in policy guidelines of the division, shall be
22 additionally compensated as outlined in paragraph (3)(a).

23 2. Any firefighter, regardless of whether or not she or he
24 earned an associate degree earlier, who receives from an
25 accredited college or university a bachelor's degree, which
26 bachelor's degree is applicable to fire department duties, as
27 outlined in policy guidelines of the division, shall receive
28 compensation as outlined in paragraph (3)(b).

HB 797

2007

29 3. Any firefighter, regardless of whether or not she or he
30 earned a bachelor's degree earlier, who receives from an
31 accredited college or university a master's degree, which
32 master's degree is applicable to fire department duties, as
33 outlined in policy guidelines of the division, shall receive
34 compensation as outlined in paragraph (3)(c).

35 (b) Whenever any question arises as to the eligibility of
36 any firefighter to receive supplemental compensation as provided
37 in this section, the question, together with all facts relating
38 thereto, shall be submitted to the division for determination,
39 and the decision of the division with regard to determination of
40 eligibility shall be final, subject to the provisions of chapter
41 120.

42 (3) SUPPLEMENTAL COMPENSATION.--Supplemental compensation
43 shall be determined as follows:

44 (a) One hundred and twenty-five ~~Fifty~~ dollars shall be
45 paid monthly to each firefighter who qualifies under ~~the~~
46 ~~provisions of~~ subparagraph (2)(a)1.

47 (b) Two ~~One~~ hundred ~~and ten~~ dollars shall be paid monthly
48 to each firefighter who qualifies under ~~the provisions of~~
49 subparagraph (2)(a)2.

50 (c) Three hundred dollars shall be paid monthly to each
51 firefighter who qualifies under subparagraph (2)(a)3.

52 Section 2. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 993

Escambia County

SPONSOR(S): Evers

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Urban & Local Affairs		Nelson <i>LPN</i>	Kruse <i>MK</i>
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill repeals a 1957 special act which required the enclosure of clay pits, caves or other depressions in Escambia County. The Escambia County Board of County Commissioners recently enacted a comprehensive county ordinance to address the subject matter of the special act.

The bill has an effective date of upon becoming law.

According to the Economic Impact Statement, this bill will have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

This bill repeals ch. 57-1291, F.S., a special act which required the enclosure of clay pits, caves or other depressions in Escambia County that were "so located and of such depth that a child might conceivably be drowned...." Owners, lessors or occupants of any real property containing a depression of this type were required to enclose the area with a fence or other device of a height of at least four feet. The Escambia County Board of County Commissioners has indicated that this law was "overbroad" and never enforced, and that the board recently enacted a county ordinance to address the subject matter of the special act.

This Escambia County ordinance, Chapter 42, Article IV, Division 2, Sec. 42-111 through Sec. 42-113, was enacted by the board on January 4, 2007, and filed with the Department of State on January 9, 2007. It provides for conditions constituting nuisances (including excavations, holes and pits), and the methods of abatement, as well as for enforcement by county code enforcement officers.

The bill has an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Repeals ch. 57-1291, F.S., a special act relating to Escambia County requiring the enclosure of certain depressions.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? November 10, 2006

WHERE? The *Pensacola News Journal*, a newspaper of general circulation published in Escambia County.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

According to the Economic Impact Statement, this bill will have no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

Chapter 57-1291, L.O.F., the act which is repealed by the bill, was amended by ch. 2002-379, L.O.F. The bill should be amended to also repeal that act.

Other Comments

The Escambia County Board of County Commissioners supports this bill.¹

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

¹ Janet Lander, Escambia County Attorney, in a telephone conversation on March 1, 2007.

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **LESLEY L. WHALEY** who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

NOTICE OF INTENT TO SEEK ENACTMENT OF LEGISLATION

Was published in said newspaper in the issue(s) of:

NOVEMBER 10, 2006

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 23RD Day of JANUARY, 2007, by **LESLEY L. WHALEY** who Is personally known to me.

Lesley L. Whaley Affiant
Nikki E. Nichols Notary Public

NIKKI E. NICHOLS
Notary Public-State of FL
Comm. Exp. Aug. 01, 2009
Comm. No. DD 427341

NOTICE OF INTENT TO SEEK ENACTMENT OF LEGISLATION

NOTICE IS HEREBY GIVEN of the intention of the Board of County Commissioners of Escambia County, Florida to seek enactment, during the 2007 Regular Session of the Florida Legislature or a subsequent Special Session, of an act relating to Escambia County; repealing chapter 57-1291, Laws of Florida, in its entirety pertaining to enclosure of certain pits and depressions; providing an effective date.

Board of County Commissioners
Escambia County, Florida

Legal No. 70033

1T

Nov. 10, 2006

**HOUSE OF REPRESENTATIVES
2007 LOCAL BILL CERTIFICATION**

BILL #: 993
SPONSOR(S): REP. EVERS
RELATING TO: ESCAMBIA COUNTY
(Indicate Area Affected (City, County, Special District) and Subject)
NAME OF DELEGATION: ESCAMBIA COUNTY DELEGATION
CONTACT PERSON: MIKE BORKUM
PHONE # and E-Mail: 488-8188

- I. House policy requires that three things occur before a council or a committee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) a local public hearing by the legislative delegation must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s), the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation. **Local bills will not be considered by a council or a committee without a completed, original Local Bill Certification Form.**

(1) Does the delegation certify that the purpose of the bill cannot be accomplished locally? YES ☒ NO ☐

(2) Has a public hearing been held? YES ☒ NO ☐

Date hearing held: DEC. 13, 2006

Location: PENSACOLA JUNIOR COLLEGE, PENSACOLA

(3) Was this bill formally approved by a majority of the delegation members?

YES ☐ NO ☐ UNIT RULE ☐ UNANIMOUS ☒

- II. Article III, Section 10, of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES ☒ NO ☐ DATE Nov. 10, 2006

Where? PENSACOLA NEWS JOURNAL County ESCAMBIA

Referendum in lieu of publication: YES ☐ NO ☐

- III. Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

Has this constitutional taxation requirement been met?

YES ☐ NO ☐ NOT APPLICABLE ☒

House policy requires that an Economic Impact Statement for local bills be prepared at the local level.

 3/5/2007
Delegation Chair (Original Signature) Date

HOUSE OF REPRESENTATIVES

2006 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible, this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the Local Government Council as soon as possible after the bill is filed.

BILL #: HB 993SPONSOR(S): EVANSRELATING TO: Escambia County / Clay Pits / Enclosure[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Expenditures:

FY 06-07FY 07-08

* NO FINANCIAL OBLIGATION

II. ANTICIPATED SOURCE(S) OF FUNDING:

Federal:

FY 06-07FY 07-08

State:

Local:

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:

FY 06-07FY 07-08

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

Disadvantages:

Post-it® Fax Note	7671	Date	2/20/07	# of pages	3
To	Don Overton	From	Deb Arment		
Co./Dept.	Roads	Co.	Adminis		
Phone #		Phone #	595-9944		
Fax #	9322110	Fax #			

Economic Impact Statement
PAGE 2

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR
EMPLOYMENT:

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF
DATA]:

PREPARED BY:

PAT OVERTON
[Must be signed by Preparer]

2-22-07
date

TITLE:

ROAD DEPARTMENT DIRECTOR

REPRESENTING:

ESCAMBIA COUNTY BCC

PHONE: (850-937-2122)

E-Mail Address:

pat_overton@escambia.fl.us

HB 993

2007

1 A bill to be entitled
2 An act relating to Escambia County; repealing chapter 57-
3 1291, Laws of Florida, relating to the requirement to
4 enclose clay pits and all depressions of a certain depth
5 upon lands in the county; providing an effective date.

6

7 Be It Enacted by the Legislature of the State of Florida:

8

9 Section 1. Chapter 57-1291, Laws of Florida, is repealed.

10 Section 2. This act shall take effect upon becoming a law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 993**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Committee on Urban & Local
Affairs

Representative(s) Evers offered the following:

Amendment (with title amendments)

Between line(s) 9 and 10 insert:

Section 2. Chapter 2002-379, Laws of Florida, is repealed.

===== T I T L E A M E N D M E N T =====

On line 5 after the semi colon insert: repealing chapter
2002-379, Laws of Florida, amending s. 1, ch. 57-1291, Laws of
Florida; providing an exception for stormwater management
facilities to a requirement of enclosures around certain
depressions;

000000